

## Message Text

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ACTION ARA-06

INFO OCT-01 SS-14 ISO-00 MMS-01 L-01 INR-05 A-01 IO-03

RSC-01 SSO-00 INRE-00 NSC-05 NSCE-00 CIAE-00 /038 W

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O 252336Z OCT 74

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC IMMEDIATE 0833

INFO USMISSION GENEVA IMMEDIATE

USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L SANTIAGO 6542

LIMDIS

E.O. 11652: GDS

TAGS: CI, SHUM

SUBJECT: ICJ REPORT ON HUMAN RIGHTS

REF: (A) STATE 234485; (B) USUN 4392; (C) GENEVA 6560

1. SUMMARY: SEPTTEL STATES EMBASSY ATTITUDE RE INTER-NATIONAL COMMISSION OF JURISTS REPORT IN GENERAL. THERE FOLLOW OUR COMMENTS ON SOME OF THA SPECIFIC ALLEGATIONS CONTAINED IN ICJ PRESS RELEASE (REF C). WE HAVE NEVER DISPUTED ICJ POINTS ON LACK OF PROCEDURAL SAFEGUARDS AND PRESENCE OF HUMAN RIGHTS ABUSES UNDER PRESENT CHILEAN REGIME. HOWEVER, ICJ STATEMENT GIVES MISLEADING OVERALL IMPRESSION BY VIRTUALLY IGNORING KIND OF MATERIAL INCLUDED IN RECENT EMBASSY REPORTS AND SENT TO USUN IN STATE 239845. ICJ APPEARS WELL INFORMED IN SOME AREAS BUT INACCURATE IN OTHERS. END SUMMARY

2. AS ICJ NOTES, REDUCTION OF STATE OF WAR TO STATE OF SIEGE/INTERNAL DEFENSE DOES NOT MATERIALLY ALTER THE LEGAL POWERS AVAILABLE TO GOC SECURITY FORCES. IT IS QUITE ANOTHER THING, HOWEVER, TO MAKE THE VALUE JUDGMENT THAT THIS CHANGE WAS PURELY A PROPAGANDA PLOY "DESIGNED FOR EXTERNAL CONSUMPTION." WE HAVE GOOD REASON TO BELIEVE  
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FROM PRIVATE CONVERSATIONS (CF SANTIAGO 5900) THAT

GOC IS ATTEMPTING TO SIGNAL, ALBEIT IN PERHAPS A CLUMSY WAY, ITS INTENTION TO RELAX PROGRESSIVELY ITS SECURITY MEASURES AS THE INTERNAL SITUATION, IT ITS EYES, WARRANTS.

3. CHIEF OF STATE GENERAL PINOCHET'S ANNOUNCEMENT SEPTEMBER 11 OF INTENTION TO RELEASE SUBSTANTIAL NUMBER OF DETAINEES, NOT "ALL" AS ICJ STATES, WAS CLEARLY DESIGNED TO IMPROVE CHILE'S INTERNATIONAL IMAGE. NEVERTHELESS, ALTHOUGH NO SECURITY DETAINEES FACING TRIAL OR SERVING SENTENCES (IN CONTRAST TO A NUMBER OF THOSE DETAINED WITHOUT CHARGE) HAVE TO OUR KNOWLEDGE BEEN RELEASED YET, WE BELIEVE ON THE BASIS OF NUMEROUS SOUNDINGS AMONG GOC OFFICIALS AND INTERESTED OBSERVERS THAT GOC PLANS TO RELEASE MANY OF THESE PEOPLE. PRINCIPAL REASON FOR DELAY IS SUBSTANTIAL LOGISTICAL AND ADMINISTRATIVE PROBLEMS, NOT LACK OF GOOD WILL. AS WE HAVE REPORTED, GOC "CHALLENGE" TO USSR/ CUBA TO FREE EQUAL NUMBER OF POLITICAL PRISONERS IS STRICTLY PROPAGANDA PLOY. ITS EFFECT IS TO SLOW UP PREPARATIONS FOR RELEASES.

4. ICJ ARREST FIGURE OF OVER 700 PERSONS IN MAY-AUGUST PERIOD AND OTHER INFORMATION IN THAT PARA IS PLAUSIBLE, BUT WE ARE NOT CLEAR AS TO HOW SUCH SPECIFIC NUMBERS COULD HAVE BEEN RELIABLY OBTAINED.

5. PARAGRAPH ON "CONTROL BY THE MILITARY OVER EDUCATION" IS, IN OUR VIEW, AND UNWARRANTED GENERALIZATION BASED ON ONE MILITARY DOCUMENT WHICH WAS CIRCULATING SOME WEEKS AGO IN THE SANTIAGO DIPLOMATIC OLONY. WE DO NOT KNOW HOW THOROUGHLY PROVISIONS OF THIS ADMITTEDLY HARSH CIRCULAR HAVE BEEN CARRIED OUT, BUT WE DOUBT THAT IT HAS BEEN STRICTLY OBSERVED. (EMBASSY IS POUCHING COPY TO ARA/BC.) COMMANDER OF ARMY'S EDUCATIONAL SYSTEM RECENTLY TOLD EMBOFF THAT MILITARY INDEED HAS A "SECURITY" RESPONSIBILITY FOR PUBLIC EDUCATIONAL SYSTEM IN SANTIAGO AREA, DEFINED AS ORDER AND DISCIPLINE AND ENSURING THAT CURRICULUM IS FOLLOWED PROPERLY, BUT EDUCATION MINISTRY RETAINS TRADITIONAL CONTROL OVER SCHOOL CURRICULUM AND HIRING AND FIRING OF TEACHERS. SCHOOL SYSTEM IS STILL CIVIL.

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6. PRESENCE OF ASYLEES IN ITALIAN EMBASSY IS ANOMALY WHICH ARISES FROM ABSENCE OF FORMAL RELATIONS BETWEEN ITALY AND GOC (IMPEDING NEGOTIATIONS FOR SAFE-CONDUCTS) AND DECISION OF MIR ACTIVISTS TO CLIMB OVER EMBASSY WALL AND SEEK ASYLUM THERE. TOTAL NOW IN ITALIAN EMBASSY APPROACHES 200 AND ITALIAN CHARGE HAS PUBLICLY STATED THAT SOME TWENTY ARE BONA FIDE MEMBERS OF MIR. NOT

CLEAR HOW THESE ASYLEES WILL BE DISPOSED OF.

7. MININTERIOR'S STATEMENT RE 748 "DETAINEES" APPARENTLY REFERS TO NUMBER OF PERSONS HELD WITHOUT CHARGE, AS SECURITY RISKS UNDER STATE OF SIEGE PROVISIONS, AND WE HAVE NO REASON TO DISPUTE THE FIGURE. IN ADDITION, SEVERAL THOUSAND OTHER PERSONS ARE AWAITING TRIAL OR SERVING SENTENCES UNDER SPECIFIC CHARGES. MOST GROUPS SUCH AS ICJ LUMP ALL CATEGORIES TOGETHER UNDER RUBRIC OF "POLITICAL PRISONERS." SINCE AUGUST GOC HAS MADE SHARP DISTINCTION BETWEEN THESE TWO CATEGORIES. ICJ DOES NOT APPEAR TO UNDERSTAND THIS DISTINCTION; GOC HAS NOT ADEQUATELY CLARIFIED IT, PUBLICLY.  
POPPER

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## Message Attributes

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